

*Sub D*  
3. (Amended) A method for the detection and/or quantitation of nucleic acid in a sample,

which comprises:

- a) mixing at least one random primer at least 4 nucleotides in length with a sample nucleic acid,
- b) adding at least one [NTP] nucleotide triphosphate having at least one binding species and optionally at least one [NTP] nucleotide triphosphate having at least one detectable species and optionally at least one second [NTP] nucleotide triphosphate,
- c) adding at least one nucleic acid polymerase,
- d) incubating the mixture of step c), under conditions which allow said at least one nucleic acid polymerase to be active,
- e) contacting the mixture of step d) with at least one solid phase,
- f) detecting and/or quantitating the amount of nucleic acid in said sample by detecting and/or quantitating the amount of said at least one detectable species or the amount of said at least one binding species bound to said solid phase.

4. (Amended) A method for the detection and/or quantitation of nucleic acid in a sample,

which comprises:

- a) mixing at least one first labeled random primer at least 4 nucleotides in length having at least one binding species and [optionally] at least one second random primer at least 4 nucleotides in length having at least one detectable species, with a sample nucleic acid
- b) adding at least one nucleic acid ligase

~~[c] adding at least one NTP]~~

~~[d] c) incubating the mixture of step [c]) b), under conditions which allow said at least one nucleic acid ligase to be active,~~

~~[e] d) contacting the mixture of step [d]) c) with at least one solid phase,~~

~~[f] e) detecting and/or quantitating the amount of nucleic acid in said sample by detecting and/or quantitating the amount of said at least one detectable species or the amount of said at least one binding species bound to said solid phase.~~

5. (Amended) A method for the detection and/or quantitation of nucleic acid in a sample,

which comprises:

a) mixing at least one first labeled random primer at least 4 nucleotides in length having at least one binding species and [optionally] at least one second random primer at least 4 nucleotides in length having at least one detectable species, with a sample nucleic acid

b) adding at least one nucleic acid ligase and at least one nucleic acid polymerase

~~[c] adding at least one NTP]~~

~~[d] c) incubating the mixture of step [c]) b), under conditions which allow said at least one nucleic acid ligase and at least one nucleic acid polymerase to be active,~~

~~[e] d) contacting the mixture of step [d]) c) with at least one solid phase,~~

~~[f] e) detecting and/or quantitating the amount of nucleic acid in said sample by detecting and/or quantitating the amount of said at least one detectable species or the amount of said at least one binding species bound to said solid phase.~~

✓ Claim 10, line 1, delete "NTP" and insert therefor --nucleotide triphosphate--.

✓ Claim 12, line 2, delete "NTP" and insert therefor --nucleotide triphosphate--.

✓ Claim 15, line 1, delete "label" and insert --detectable--

✓ Claim 19, line 1, delete "NTP" and insert therefor --nucleotide triphosphate--.

✓ Claim 22, line 1, delete "NTP" and insert therefor --nucleotide triphosphate--.

✓ Claim 23, line 5, delete "NTP" and insert therefor --nucleotide triphosphate--;  
✓ line 6, delete "NTP" and insert --second nucleotide triphosphate--.

✓ Claim 24, line 5, delete "NTP" and insert therefor --nucleotide triphosphate--;  
✓ line 6, delete "NTP" and insert --second nucleotide triphosphate--.

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25. (Amended) A method for the detection and/or quantitation of nucleic acid in a

sample, which comprises:

- a) mixing at least one random primer at least 4 nucleotides in length with a sample nucleic acid,
- b) adding at least one [NTP] nucleotide triphosphate having at least one binding moiety and optionally at least one second [NTP] nucleotide triphosphate having at least one label and optionally at least one [NTP] nucleotide triphosphate,
- c) adding at least one nucleic acid polymerase,
- d) incubating the mixture of step c), under conditions which allow said at least one nucleic acid polymerase to be active,
- e) quantitating the amount of nucleic acid in said sample by detecting and/or quantitating the amount of said at least one label or the amount of said at least

one binding moiety.

26. (Amended) A method for the detecting and/or quantitation of nucleic acid in a sample, which comprises:

- a) mixing at least one labeled random primer at least 4 nucleotides in length having at least one binding species and optionally at least one second random primer at least 4 nucleotides in length having at least one detectable species, with a sample nucleic acid,
- b) adding at least one nucleic acid ligase,
- [c) adding at least one NTP]
- [d)] c) incubating the mixture of step b), under conditions which allow said at least one nucleic acid ligase to be active,
- [e)] d) quantitating the amount of nucleic acid in said sample by detecting and/or quantitating the amount of said at least one detectable species or the amount of said at least one binding species.

27. (Amended) A method for the detection and/or quantitation of nucleic acid in a sample, which comprises:

- a) mixing at least one labeled random primer at least 4 nucleotides in length having at least one binding species and optionally at least one second random primer at least 4 nucleotides in length having at least one detectable species, with a sample nucleic acid,
- b) adding at least one nucleic acid ligase and at least one nucleic acid polymerase,

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- c) adding at least one [NTP] nucleotide triphosphate,
- d) incubating the mixture of step [b)] c), under conditions which allow said at least one nucleic acid ligase and at least one nucleic acid polymerase to be active,
- e) quantitating the amount of nucleic acid in said sample by detecting and/or quantitating the amount of said at least one detectable species or the amount of said at least one binding species.

✓ Claim 30, line 1, delete "NTP" and insert therefor --nucleotide triphosphate--.

✓ Claim 32, line 2, delete "NTP" and insert therefor --nucleotide triphosphate--.

✓ Claim 34, line 3, delete "NTP" and insert therefor --nucleotide triphosphate--;

✓ line 4, delete "NTP" and insert --second nucleotide triphosphate--.

✓ Claim 35, line 3, delete "NTP" and insert therefor --nucleotide triphosphate--;

✓ line 4, delete "NTP" and insert --second nucleotide triphosphate--.

✓ Claim 36, line 3, delete "NTP" and insert therefor --nucleotide triphosphate--;

✓ line 4, delete "NTP" and insert --second nucleotide triphosphate--.

✓ Claim 37, line 3, delete "NTP" and insert therefor --nucleotide triphosphate--;

✓ line 4, delete "NTP" and insert --second nucleotide triphosphate--.

Kindly add the following new claims:

*Sub D1* 38. A method for the detection and/or quantitation of nucleic acid in a sample, which

comprises:

- a) mixing at least one random primer at least 4 nucleotides in length having at least one first label, with a sample nucleic acid,

b) adding at least one nucleotide triphosphate having at least one second label and  
optionally at least one second nucleotide triphosphate,  
c) adding at least one nucleic acid polymerase,  
d) incubating the mixture of step c), under conditions which allow said at least one  
nucleic acid polymerase to be active,  
e) quantitating the amount of nucleic acid in said sample by detecting and/or  
quantitating the amount of said at least one first label or the amount of  
said at least one second label.

39. A method for the detecting and/or quantitation of nucleic acid in a sample, which

comprises:

a) mixing at least one labeled random primer at least 4 nucleotides in length  
having at least one first label species and optionally at least one second random  
primer at least 4 nucleotides in length having at least one second label,  
with a sample nucleic acid,  
b) adding at least one nucleic acid ligase,  
c) incubating the mixture of step b), under conditions which allow said  
at least one nucleic acid ligase to be active,  
d) quantitating the amount of nucleic acid in said sample by detecting and/or  
quantitating the amount of said at least one first label or the amount of  
said at least one second label.

40. A method for the detection and/or quantitation of nucleic acid in a sample, which

comprises: